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REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

HUMAN RIGHTS QUESTIONS

Letter dated 12 September 1991 from the representatives of Hungary and of Ukraine to the United Nations addressed to the Secretary-General

We have the honour to transmit to you the text of the Declaration on the principles of cooperation between the Republic of Hungary and the Ukrainian Soviet Socialist Republic to ensure respect for the rights of national minorities and the Protocol to the Declaration signed by Géza Jeszenszky, Minister for Foreign Affairs of the Republic of Hungary, and Anatoly Zlenko, Minister for Foreign Affairs of the Ukrainian Soviet Socialist Republic, at Budapest on 31 May 1991 (see annex).

We request you to circulate the text of the present letter and its annex as an official document of the General Assembly, under items 12 and 99 of the provisional agenda.

(Signed) Guennadi I. OUDOVENKO
Ambassador
Permanent Representative
of Ukraine to the United
Nations

(Signed) Ivan BUDAI
Chargé d'affaires a.i.
Permanent Mission of the
Republic of Hungary to
the United Nations

* A/46/150.

ANNEX

Declaration on the principles of cooperation between the Republic of Hungary and the Ukrainian Soviet Socialist Republic to ensure respect for the rights of national minorities

(Budapest, 31 May 1991)

The Republic of Hungary and the Ukrainian Soviet Socialist Republic (hereinafter the Parties),

Reaffirming their commitment to the implementation of the provisions of the United Nations Charter, the United Nations documents on human rights, the Helsinki Final Act, and other documents of the Conference on Security and Cooperation in Europe;

Emphasizing their common goal of creating a democratic social system which will, within the framework of the rule of law, ensure for all citizens full exercise of human rights and fundamental freedoms, as well as free expression of their legitimate interests and aspirations, political pluralism, social tolerance, equality before the law, and protection under the law for individuals and communities;

Bearing in mind that in their respective territories there live national minorities, which possess appropriate rights, both individually and as a community, within the framework of their respective groups;

Being aware that the national minorities, historically resident in their respective territories, make a useful contribution to the welfare and the cultural and humanitarian development of both Parties;

Recognizing that respect for, and promotion of the enjoyment of, the rights of national minorities, as an integral part of universal human rights, are essential elements of peace, justice, security, stability and democracy and are indispensable for the development of friendly relations and cooperation between the Parties;

Being convinced that the development of constructive and effective cooperation between the Parties is indispensable for consistent respect for, and protection of, the rights of national minorities, as well as for the expression, protection and promotion of their ethnic, cultural, linguistic and religious identities;

Have resolved to proclaim the present Declaration on the principles of cooperation to ensure respect for the rights of national minorities and to effect its provisions in practice.

/...

(1) The Parties shall respect the human rights, including equality before the law and non-discrimination, and fundamental freedoms, of the national minorities, both as communities forming an organic part of their respective societies and States, as well as of persons belonging to them, and shall make consistent efforts in order to guarantee their full enjoyment. Persons belonging to national minorities shall observe the laws of the country in which they live.

(2) The Parties shall respect the rights of their respective citizens to freely decide to which nationality they belong and whether or not to exercise the rights which may derive from that choice, and shall guarantee that any decision will entail no adverse consequences for them.

(3) The Parties shall, in their efforts to promote democracy and the rule of law, take into account the legitimate interests of the national minorities in their respective policies and shall take the necessary political, legal and administrative measures to help create favourable conditions for the protection and promotion of the ethnic, cultural, linguistic and religious identities of the national minorities. Such measures shall serve the interests of the whole society and shall not result in encroachments on the rights of other citizens.

(4) The Parties shall provide protection of legal and other nature, as may be necessary against any activities, including propaganda, that tend to endanger their existence or identity, or to breed, foment or justify hatred and discrimination on the basis of belonging to a national minority.

(5) The Parties express their readiness to encourage efforts to create the legal framework for the national minorities that will guarantee their right to effective participation in public affairs, including issues, pertaining to the protection and promotion of their identities, as well as the adoption and implementation of decisions affecting their areas of settlement.

(6) The Parties consider that the rights of national minorities to establish and maintain in the Parties' territories, and in accordance with their respective legislation, organizations and associations for the purpose of preserving their national identities is a natural element of a democratic State ruled by law. Such organizations or associations may establish and maintain relations with such organizations or associations of other countries with which they share a common ethnic or national origin, cultural heritage or religion. Such organizations or associations may solicit voluntary financial or other assistance and apply for support from the State. Related activities shall be in accordance with the national laws of the country concerned.

Concrete questions of such support by the Parties shall be decided upon by a Mixed Commission to be set up under article 16 of the present Declaration.

(7) The Parties intend to implement the principle that State organs dealing with nationalities and national minorities shall be established democratically, with the participation of all the national minorities living

in the particular area, primarily through their organizations or associations of a representative character, and by taking their interest into account.

(8) The Parties shall take no administrative, economic or other measures designed to assimilate the national minorities or change the composition of the population in territories inhabited by national minorities.

(9) The Parties shall adopt such legislative, administrative and other measures as may be necessary to ensure that the national minorities may freely exercise their right to use their mother tongue, both orally and in writing, in private and in public, including the right to use their names in the form of their native language, forename as well and family name.

The exercise of this right shall not invalidate the obligation to learn the official language or languages of the Parties.

(10) The Parties agree that they shall create for the national minorities the necessary conditions enabling them to learn their mother tongue and to study in their mother tongue at all levels of education. The practical problems this may entail will be resolved, taking into account the needs and capabilities, in accordance with the Parties' legislation in force by a Mixed Commission to be set up under article 16 of the present Declaration. The Parties will make it possible for persons belonging to a national minority living in the territory of the other Party to pursue studies at their own institutions of higher education, to participate in further training, and to exchange experts in the fields of education and culture. The Parties shall endeavour to observe the principle of equivalence at all levels of education and shall recognize the fact of their respective citizens' enrolment in, and studies at, educational institutions based in the territory of the other Party. The Parties shall facilitate, at their own educational institutions, the study of the history and culture of their respective national minorities.

(11) The Parties shall guarantee the right of the national minorities to protect and promote their cultural identities, including the right to preserve and research their own cultural heritage, at both amateur and professional levels, shall promote mutual acquaintance with the cultures of their respective national minorities, shall erect statues of prominent cultural figures in their respective territories, and shall guarantee the preservation and protection of historical and cultural monuments.

(12) The Parties declare that believers belonging to national minorities shall have the right to exercise their religion, and shall have the right to acquire, possess, produce and use devotional materials and carry on religious activities in their mother tongue, including training in the mother tongue.

(13) The Parties recognize the right of the national minorities to disseminate, exchange and receive information in their mother tongue without discrimination of any kind, and they shall take concrete measures to provide assistance for the mass media in the respective minority languages.

(14) The Parties shall assist persons belonging to national minorities in establishing and maintaining, without discrimination of any kind, contacts with one another within their country, as well as citizens of other countries with whom they share a common ethnic or national origin, cultural heritage or religion.

(15) The Parties shall prohibit all persons, including persons belonging to national minorities, to be engaged in activities, including propaganda, tending to foment violence or to stir hatred or to sow discord on ethnic grounds.

(16) The Parties express their readiness to set up a Mixed Commission, consisting of representatives of the State organs and national minorities of both Parties, to give effect to the principles set forth in the present Declaration and to monitor compliance with the obligations undertaken herein. The mandate and the composition of the Mixed Commission shall be determined by a separate Protocol between the two Governments.

(17) The Parties reaffirm their desire to promote, at bilateral, regional and international levels, standard-setting on the rights of national minorities and declare their readiness to support related efforts at the United Nations and within the framework of the Conference on Security and Cooperation in Europe.

(18) No provision of the present Declaration shall be construed as permitting any activities or acts contrary to the purposes and principles of the United Nations Charter, other obligations under international law or the provisions of the Helsinki Final Act, including the principle of territorial integrity of States.

(19) The Parties declare that they would welcome accession by other States to the present Declaration and are ready to exchange views with any interested State on the principles set forth herein.

Done at Budapest, on 31 May 1991, in duplicate, in the Hungarian and Ukrainian languages, both texts being equally authentic.

For the Republic of Hungary:

Dr. Géza Jeszenszky

For the Ukrainian Soviet Socialist Republic:

Anatoly Maksimovich Zlenko

Protocol to the Declaration on the principles of cooperation between the Republic of Hungary and the Ukrainian Soviet Socialist Republic to ensure respect for the rights of national minorities

The Republic of Hungary and the Ukrainian Soviet Socialist Republic (hereinafter the Parties) have agreed, with a view to the practical implementation of the provisions of the Declaration on cooperation to ensure respect for the rights of national minorities, as follows:

(1) The Parties shall set up a Mixed Commission consisting of representatives of the Office for National and Ethnic Minorities, the Ministry for Foreign Affairs of the Republic of Hungary and the Ministry of Culture and Public Education of the Republic of Hungary, as well as of representatives of the local government of Szabolcs-Szatmár-Bereg County and of the ethnic Ukrainian citizens of the Republic of Hungary for the Hungarian side, and of an equal number of representatives of the State Committee for Nationalities of the Ukrainian Soviet Socialist Republic, the Ministry for Foreign Affairs of the Ukrainian SSR and the Ministry of Public Education of the Ukrainian SSR, as well as of representatives of the Executive Committee of Popular Representation of the Transcarpathian Territory and of the ethnic Hungarian citizens of the Ukrainian SSR for the Ukrainian side.

The delegations will be headed by representatives of the two Ministries at the level of Deputy Foreign Ministers.

(2) The Mixed Commission shall meet, as a rule, twice a year, alternately in the territory of each Party, to consider and resolve such problems as may arise.

The financial expenses incurred in connection with the accommodation and work of the members of the Mixed Commission shall be covered by the receiving Party.

(3) The scope of responsibility of the Mixed Commission shall include making recommendations, on the basis of agreement between the Parties, to the Governments of both Parties concerning the implementation of the principles set forth in the Declaration.

(4) The Parties shall rely on their appropriate national institutions for implementing recommendations of the Mixed Commission.

Done at Budapest, on 31 May 1991, in duplicate, in the Hungarian and Ukrainian languages, both texts being equally authentic.

For the Republic of Hungary:

Dr. Géza Jeszenszky

For the Ukrainian Soviet Socialist Republic:

Anatoly Maksimovich Zlenko